



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,727	01/22/2001	Paul Foster	21300.105003	1307
20786	7590	08/29/2005	EXAMINER	
KING & SPALDING LLP 191 PEACHTREE STREET, N.E. 45TH FLOOR ATLANTA, GA 30303-1763			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,727

Applicant(s)

FOSTER ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,10,11 and 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,10,11 and 15-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06062005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

On February 9, 2005, an Office Action was mailed to the Applicant rejecting claims 1-14. On June 13, 2005, the Applicant responded by amending claims 1-3, 6, and 10-11 and adding new claims 15-31.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The replacement oath/declaration that includes the application number of the provisional application, which was submitted on January 22, 2001 and with the preliminary amendment submitted on June 4, 2001, is missing the inventor's signature.

Drawings

The objection has been withdrawn.

Specification

The objection has been withdrawn.

Claim Rejections - 35 USC § 112

The rejection has been withdrawn.

Claim Rejections - 35 USC § 101

The rejection has been withdrawn.

Claim Rejections - 35 USC § 103

Art Unit: 3624

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3,6,10,11 and 15-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Greenlee (2001/0037273) in view of Cheetham (6,115,694).

Greenlee discloses the invention substantially as claimed, as set forth in the previous Office Action. Greenlee further discloses allowing interested parties to make offers via the distributed computer network to lease one of the owner properties, allowing the interested parties to accept the offers via the distributed computer network, and allowing the interested parties to modify the offers via the distributed computer network (p.3, 37-39); at least one database comprises a local database maintained by a party responsible for said property management services server (p.3, 37-39); one database comprises a remote database maintained by a party other than a party responsible for said property management services server (p.3, 37-39); property management services server is operable to store information about a plurality of site

Art Unit: 3624

visit agents that support on-site property review and analysis of the selected real estate property, and wherein the tenant can select one of the site visit agents from the information stored on the property management services server to support the lease transaction (p.5, 51-58); property management services server is operable to store information about a plurality of deal agents that screen, negotiate, and close property-related transactions, and wherein the tenant can select one of the deal agents from the information stored on the property management services server to support the lease transaction (p.3, 37-39 and p.5, 51-58); property management services server is operable to store information about a plurality of property specialists that provide property-related expertise in connection with the selected real estate property, and wherein the tenant can select one of the property specialists from the information stored on the property management services server to support the lease transaction (p.3, 37-39 and p.5, 51-58); one of the client computers is operated by a call center agent, and wherein the tenant can select one of the users operating another one of the client computers by contacting the call center agent (p.3, 37-39 and p.5, 51-58—may be operated by any user that decides to utilize the system); owner property characteristics are stored in a plurality of remote databases maintained by one or more third parties (p.3, 37-39 and p.5, 51-58); storing information for a plurality of deal agents that screen, negotiate, and close property-related transactions and selecting, based on the stored information, one of the deal agents via the distributed computer network to support the lease agreement for the matching owner property (p.3, 37-39 and p.5, 51-58); storing information for a plurality of property specialists that provide property-related expertise

Art Unit: 3624

in connection with the selected real estate property and selecting, based on the stored information, one of the property specialists via the distributed computer network to support the lease agreement for the matching owner property (p.3, 37-39 and p.5, 51-58); populating a lease agreement based on the tenant's property requirements and the owner property characteristics for the matching owner property and presenting the populated lease agreement (p.3, 37-39 and p.5, 51-58); and site visit agent supports on-site property review and analysis of the matching owner property by performing one of the activities selected from a group comprising showing the matching owner property, suggesting configuration alternatives, and estimating build-out costs (p.3, 37-39 and p.5, 51-58). Greenlee does not disclose the use of comparables. Cheetham teaches a method and corresponding system for validating real estate prices comprising the use of real estate comparables (col.2, line 50 to col.4, line 18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of real estate comparables, as taught by Cheetham into the invention disclosed by Greenlee, to determine the value of the real estate being considered.

Response to Arguments

Applicant's arguments with respect to claims 1-3,6,10,11 and 15-31 have been considered but are moot in view of the new ground(s) of rejection.

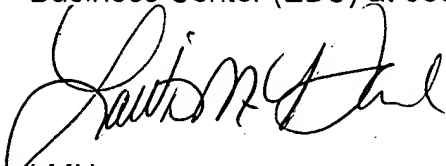
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

Art Unit: 3624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH